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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**OFFICIAL**

First Named Applicant: Preisig	)	Art Unit: 2177
	)	
Serial No.: 09/871,475	)	Examiner: Le
	)	
Filed: May 31, 2001	)	SVL9-2001-0020-US1
	)	
For: <b>SYSTEM, METHOD, AND COMPUTER</b>	)	November 21, 2003
<b>PROGRAM PRODUCT FOR REFORMATTING</b>	)	750 B STREET, Suite 3120
<b>NON-XML DATA FOR USE WITH INTERNET</b>	)	San Diego, CA 92101
<b>BASED SYSTEMS</b>	)	

**RESPONSE TO OFFICE ACTION**

Commissioner of Patents and Trademarks  
Washington, DC 20231

Dear Sir:

In response to the Office Action dated November 18, 2003, rejecting all pending claims as being anticipated by Davison, insufficient evidence exists on the record that Davison is prior art to the present application, removing the rejection. Specifically, the filing date of Davison is after the present filing date. Davison claims priority to two earlier provisional applications but these provisional applications have not been made of record nor has the examiner made a sworn statement to the effect that she has reviewed the provisional applications and that the relied-upon subject matter of Davison is supported by them. Consequently, there is no way to ascertain on the basis of the present record whether the relied-upon provisional applications support the subject matter in Davison being relied on to reject the claims. In fact they very well may not, given the realities of provisional practice. Accordingly, on the basis of the current record Davison has not been shown to be prior art to the present claims.

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Moreover, contrary to the rejections Davison does not teach, e.g., the parameterized database system query language statement residing in the middleware file of, e.g., Claim 1. First, claims must be construed as one skilled in the art would so construe them in light of the specification, MPEP §2111.01. With this in mind, as one skilled in the art would understand it the enabler agent 102 of Davison, relied on as the claimed "middleware", is actually part of the server 110, see Figure 1 of Davison. Second, even if the enabler agent were construed to be "middleware", it does not include a parameterized SQL query statement. The relied-upon paragraphs of Davison (0014, 0047, 0056) teach only that the enabler agent 102 *maps* data (paragraphs 0014 and 0047) (emphasis mine) as opposed to querying; and that data in the database 112 may be stored in SQL *format* (paragraph 0056) (emphasis mine) as opposed to the data containing a parameterized SQL query statement. In fact, it does not appear that Davison, even when read in its broadest sense, teaches, among other things, using a middleware file that has an embedded parameterized query statement in it. Indeed, the client in Davison appears to generate the query (paragraphs 0059 and 0060) and the enabler agent 102 accesses pre-generated database queries that are stored *on the server 110* (emphasis mine), not on the enabler agent 102 that has been relied on as the claimed "middleware" (paragraphs 0061 and 0066 of Davison). For this further reason, the claims are patentable.

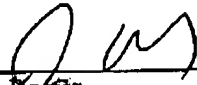
The Examiner is cordially invited to telephone the undersigned at (619) 338-8075 for any reason which would advance the instant application to allowance.

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Respectfully submitted,

  
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